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DEC 05 2003

1 **OFFICIAL FILING BY FACSIMILE**
 2 **TRANSMISSION TO OFFICE OF PETITIONS 703-**
 3 **308 6916 ON DECEMBER 5, 2003 AND COPY TO**
 4 **EXAMINER FRED PRINCE, BY FAX TO 703 872**
 5 **9709, ART UNIT 1724, TELEPHONE 703-306 9169.**
 6 Total of nine (9) pages.

OFFICIAL

Our Ref. No. P-1534-011

8 **IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

9 In Re Application of:
 10 CULLINAN } Date: December 5, 2003
 11 Serial No. 09/041,685 } Group Art Unit: 1724
 12 Filed: March 13, 1998 } Examiner: Fred Prince
 13 For: A VERTICAL VORTEX OR }
 14 LAMINAR FLOW INTERACTIVE BIO }
 15 MEDIA WATER TREATMENT DEVICE }

16 By facsimile transmission only 703 308 6916; 703 872 9709

17 Commissioner of Patents
 18 Office of Petitions
 19 Washington, D.C. 20231

20 Dear Commissioner:

21 REQUEST FOR RECONSIDERATION OF DISMISSAL OF PETITION FOR
REVIVAL AND REQUEST FOR CONTINUED EXAMINATION

22 Your applicant filed a Petition for Revival of an Application for Patent
 23 Abandoned Unintentionally under 35 CFR 1.137(b) on March 20, 2003; your applicant,
 24 pursuant to conferences with Examiner Prince, filed a Supplemental Amendment on
 25 April 2, 2003; on April 16, 2003 Examiner Fred Prince issues an Advisory Action setting
 26 a period for reply to expire 3 months from the mailing date of the final rejection; on April
 27 21, 2003 the Petition was Dismissed by the Office of Petitions in that the Petition did not

28 Certificate of facsimile Official Filing
 29 on December 5, 2003 to Office of Petitions
 30 with copy to Examiner Fred Prince
 31 by Floyd E. Ivey.

Application No. 09/041,685

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1 place the application in condition for allowance. The Office of Petitions also advised that
2 the reply required must be either a Notice of Appeal or the filing of a continuing
3 application or a Request for Continued Examination.

4 Your applicant submitted a Request for Reconsideration on September 22, 2003.
5 On November 12, 2003 the Office of Petitions Dismissed the Petition.

6 Your applicant has greatly appreciated the time taken by Ms. Latrice Bond and
7 Mrs. Francis Hicks in discussing the steps possible for resolution. On December 5, 2003,
8 your applicant spoke with Mrs. Hicks with the resulting suggested course of action to be
9 that of Requesting Reconsideration of the November 12, 2003 Dismissal with a Request
10 for Continued Examination with the Official Filing by your applicant of September 22,
11 2003 to be that subjected to Continued Examination.

12

13 **REQUEST FOR RECONSIDERATION OF DISMISSAL OF PETITION FOR**
14 **REVIVAL OF AN APPLICATION FOR PATENT ABANDONED**
15 **UNINTENTIONALLY UNDER 35 CFR 1.137(b) AND REQUEST FOR**
16 **CONTINUED EXAMINATION**

17 The inventors and applicants now Request Reconsideration of the Dismissal of the
18 Petition for Revival of the Above Identified Application and states the following to the
19 Office of Petitions:

20 1) The Petitioner submitted a small entity Petition fee for Petition for Revival of
21 \$650.00 pursuant to 37 CFR 1.17(l) with the filing on March 20, 2003.

22 2) The Petitioner submitted a response to the Examiner's Action of August 16,
23 2000 on September 22, 2003.

24 3) The Petitioner has asserted that there is no terminal disclaimer required as this

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1 application was filed on or after June 8, 1995.

2 4) The Petitioner has submitted, in the March 20, 2003 Petition, Petitioner's
3 statement that the entire delay was unintentional. The entire delay in filing the required
4 reply from the due date for the required reply until the filing of a grantable petition under
5 37CFR 1.137(b) was unintentional.

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